

Incident#
1017887DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone#: 302-653-9261

Date: 04/27/2006

INCIDENT REPORT

Group#: 1280 Type: Inmate Involved Incident Date: 11/26/2004 Time: 15:00 Confidential: No

Facility: DCC Delaware Correctional Center

Followup Required: No

Associated Disciplinary Report #(s) 1014567

Incident Location: Bldg.22 A Tier

Location Description: MHU22 AU12

Violated Conditions: 1.02/200.201 Assault

1.06/200.203 Disorderly or Threatening Behavior

2.06/200.108 Failing to Obey an Order

2.13/200.111 Possession of Non-Dangerous Contraband

Description of Incident:

On November 26, 2004 I C/O Pusey, John and C/O Smith, Joseph were transferring I/M Hopkins, Shane SBI #00253918 from AL10 to AU12 due to the toilet being clogged in cell AL10. I C/O Pusey noticed that I/M Hopkins had an excessive amount of books in his possession and began to shake down his cell AL10 while I/M Hopkins was transferred to AU12. I confiscated and bagged up all of I/M Hopkins belongings and took them to him in 22AU12. I had AU12 cell door opened to hand the property over to I/M Hopkins and told him that the allowable items were in his bag and that two books were being confiscated cause he was in excess. I/M Hopkins became agitated and started to come out of his cell; I placed my hand up to stop him and he pushed my hand out of the way, shoving past me by pushing me in the chest area. I then grabbed him to secure him and he began to resist. I then notified C/O Smith who was on the tier to help secure him, we then placed him to the ground and called for backup. I/M Hopkins was still continuing to resist and Sgt. Outen, Clifton sprayed I/M Hopkins to help secure him. I/M Hopkins was handcuffed and secured, I/M Hopkins was removed from the tier and transported to MHU Bldg #24 classroom #2 and was seen by medical nurse Betty Bryant and refused medical treatment. I/M Hopkins excessive books were confiscated and inventoried as evidence. I/M Hopkins was advised that he would be receiving a MAB write-up for his actions and transferred to Bldg #18 Isolation.

Injured Persons**Hospitalized****Nature Of Injuries**

Shane, Hopkins I/M

No

Superficial Abrasions

Evidence Type: 2 Extra books

Date Collected: 11/26/2004

Discovered By: John, Pusey C/O

Secured By: John, Pusey C/O

Type of Force Used ☒ PHYSICAL ☐ CHEMICAL ☐ STUN ☐ OTHER ☒ CAPSTUN ☐ NONE

Restraints Used : handcuffs and shackles

Immediate Action Taken:

I/M secured, I/M seen by medical, I/M advised of MAB write-up, evidence secured, accomplished 122, 404, and 537

Individuals Involved

Person Code	Name	SBI#	Title
Staff	Clifton, Outen S	N/A	CO Corporal/Sgt. - Large Inst.
Staff	Joseph, Smith E III	N/A	Correctional Officer
Staff	John, Pusey E Jr	N/A	Correctional Officer
Inmate	Shane, Hopkins K	00253918	N/A

Reporting Officer: Pusey, John E Jr(Correctional Officer)

Entered By: Pusey, John E Jr(Correctional Officer)

Approval Information☒ Approved ☐ Disapproved Date: 11/26/2004 Approved by: Mccreanor, Michael (Shift Commander - Large Inst.)

Comments: N/A

Incident#
1017890

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Facility: DCC Delaware Correctional Center

Followup Required: No

Incident Location: Bldg.22 A Tier

Location Description: A Upper 12

Violated Conditions: 1.02/200.201 Assault

1.06/200.203 Disorderly or Threatening Behavior

2.06/200.108 Failing to Obey an Order

2.13/200.111 Possession of Non-Dangerous Contraband

Description of Incident:

On Friday November 26, 2004 @ approx 1500 hrs after a routine shakedown of I/M Hopkins, Shane (00253918), I/M Hopkins allowable property was being taken to him by C/O John Pusey. I (Smith) witnessed I/M Hopkins push C/O Pusey in his chest trying to get by him. C/O Pusey then grabbed I/M Hopkins and began to wrestle him to the ground. I (Smith) came to the aid of C/O Pusey and helped secure I/M Hopkins on the ground. I/M Hopkins continued to resist and was cap foamed by Sgt Clifton Outen. I/M then became less combative and allowed staff to hand cuff him. I/M was taken to bldg 24 classroom and seen by medical (Nurse Betty Bryant). I/M Hopkins refused treatment.**end of report**

Injured Persons

Hospitalized

Nature Of Injuries

Shane, Hopkins K

No

See Medical Report

Evidence Type: N/A

Date Collected: N/A

Discovered By: N/A

Secured By: N/A

Type of Force Used ☒ PHYSICAL ☐ CHEMICAL ☐ STUN ☐ OTHER ☐ CAPSTUN ☐ NONE

Restraints Used : Handcuffs

Immediate Action Taken:

I/M pepper foamed, I/M secured, I/M seen by medical, Back up 404 report accomplished

Individuals Involved

Person Code	Name	SBI#	Title
Staff	Clifton, Outen S	N/A	CO Corporal/Sgt. - Large Inst.
Staff	John, Pusey E Jr	N/A	Correctional Officer
Staff	Joseph, Smith E III	N/A	Correctional Officer
Inmate	Shane, Hopkins K	00253918	N/A

Reporting Officer: Smith, Joseph E III(Correctional Officer)

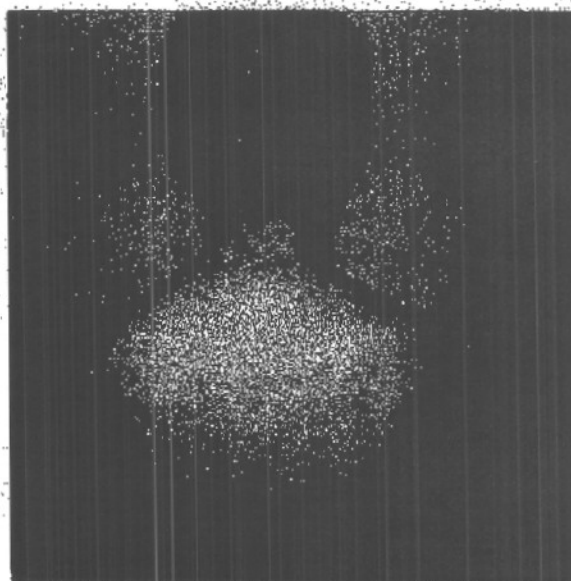
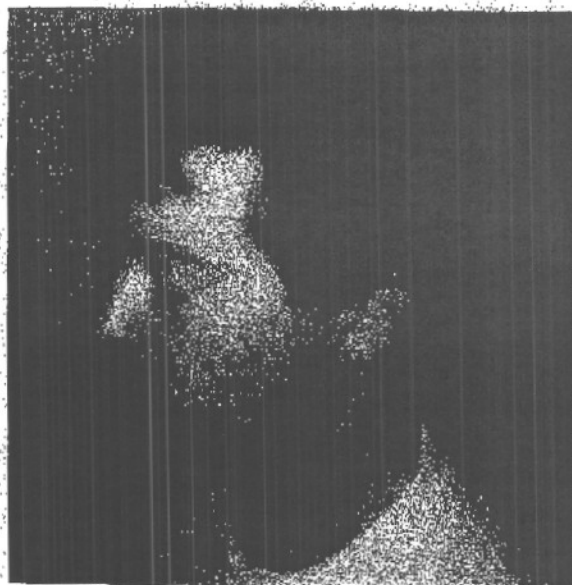
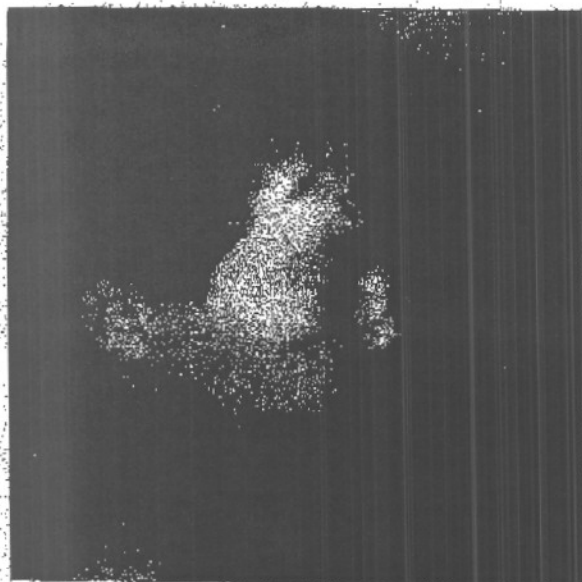
Entered By: Smith, Joseph E III(Correctional Officer)

Approval Information

☒ Approved ☐ Disapproved **Date:** 11/26/2004 **Approved by:** McCreanor, Michael (Shift Commander - Large Inst.)

Comments: N/A

IM SHANE HOPKINS #253918 11-26-04 1600Hrs
PHOTOS BY Lt. YODER



DEPARTMENT OF CORRECTION
Bureau of Adult Correction
Delaware Correctional Center

FORM #: 138
(F. and B.)

REPORT OF USE OF FORCE, CHEMICAL AGENTS AND/OR APPLICATION OF RESTRAINTS ON INMATES.

(Note: Do not complete this report for the general use of restraints in the routine movement or transfer of an inmate).

1. To: Warden Thomas Carroll	2. From: (Title, Name) Capt. Michael McCreanor	3. Date: 11/26/04								
4. Inmate Name Shane K. Hopkins	5. Institutional Number 00253918									
6. Use of force, chemical agents and / or application of restraints was ordered by : Sgt Clifton Outen(Capstun)/Officer John Pusey (Physical Force)										
8. Reason (s) for use of force, chemical agents and / or application of restraints:										
<table border="0"> <tr> <td>a. <input checked="" type="checkbox"/> Displaying signs of imminent violence</td> <td>e. <input type="checkbox"/> Administer Medication</td> </tr> <tr> <td>b. <input type="checkbox"/> Attempting suicide / suicide precaution</td> <td>f. <input type="checkbox"/> Destroying state property</td> </tr> <tr> <td>c. <input type="checkbox"/> Admit / return to Isolation</td> <td>g. <input checked="" type="checkbox"/> Prevent injury to self / other</td> </tr> <tr> <td>d. <input checked="" type="checkbox"/> Assaultive</td> <td>h. <input type="checkbox"/> Other _____</td> </tr> </table>			a. <input checked="" type="checkbox"/> Displaying signs of imminent violence	e. <input type="checkbox"/> Administer Medication	b. <input type="checkbox"/> Attempting suicide / suicide precaution	f. <input type="checkbox"/> Destroying state property	c. <input type="checkbox"/> Admit / return to Isolation	g. <input checked="" type="checkbox"/> Prevent injury to self / other	d. <input checked="" type="checkbox"/> Assaultive	h. <input type="checkbox"/> Other _____
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d. <input checked="" type="checkbox"/> Assaultive	h. <input type="checkbox"/> Other _____									
9. The inmate was placed in (X) hard, () soft restraints.										
10. An Incident Report (X) is, () is not being submitted.										
11. The inmate () was, (X) was not medicated. If was, specify medication.										
12. Chemical agent (X) was, () was not used. If used , by whose authority? Type of chemical agent used: CapFoam										
13. Inmate (X) was, () was not examined. If examined, who examined the inmate? Nurse : Nurse Betty Bryant										
14. Staff members involved were : Sgt Clifton Outen, Officer Joseph Smith, Officer John Pusey										
15. Explanation of incident and your participation: (Be specific and detailed. How was force used, by whom, ect. Use reverse side of form to fully document events). See Section 17										
16. Injury to Inmate: (X) yes, () no, type of injury / treatment given: See attached medical report										
Injury to Staff: () yes, (X) no, type of injury / treatment given:										
Medical Staff performing treatment: Nurse Betty Bryant										

17. Continuation of any item. List by number and then continue narrative.

On 11-26-04 at approx. 1500 hrs. Officer Pusey and Officer Smith, Joseph were transferring Inmate Hopkins, Shane SBI 00253918 from Bldg #22 AL10 to AU12 because of a clogged toilet. Officer Pusey noticed that Inmate Hopkins had an excessive amount of books in his possession. Officer Pusey conducted a shakedown on Inmate Hopkins property while he was transferred to AU12. Officer Pusey then confiscated and bagged up his property and took it to him in cell AU12. Officer Pusey had AU12 cell door opened to hand the property over to I/M Hopkins. Officer Pusey informed I/M Hopkins that the allowable items were in his bag; at this time I/M Hopkins became agitated and started to come out of his cell. Officer Pusey placed his hand up to stop I/M Hopkins from departing the cell; I/M Hopkins then pushed Officer Pusey's hand out of the way and shoved past him by pushing him in the chest area. Officer Pusey then grabbed I/M Hopkins to secure him; I/M Hopkins became resistive at this time. Officer Pusey then advised Officer Smith who was on the tier that his assistance was needed; Officer Smith then called for back up. Officer Pusey and Smith then placed I/M Hopkins on the floor and back up arrived. I/M Hopkins was still resisting and Sgt Outen, Clifton used pepper foam, I/M Hopkins then became cooperative and he was handcuffed. I/M Hopkins was then removed from the tier and transported to Bldg #24 classroom #2 where contact was made with Lt. Yoder. Lt. Yoder flushed I/M Hopkins eyes and I/M Hopkins was seen by Nurse Betty Bryant for his minor injuries and refused other medical treatment. I/M Hopkins excessive property was inventoried and I/M Hopkins was advised that he would be receiving a MAB write-up.



(Signature of shift commander)

Appendix 'G'

Incident Report Number: _____

GAS USE REPORT

Time: 1515 Date: 11-26-04 Day: Friday

Officers using gas: Sgt. Clifton Outen

Type of gas used: Name: Capston (Pepper Foam) Time used: 1515

Point of Contact: Face

Did gas assist in controlling the inmate? Yes _____ No X

Was more than one blast used at one time? Yes _____ No X

Officer injuries? Yes _____ No X

Name of injured officer (s): _____

Name of inmate (s)

Gas activated upon: Shane K. Hopkins / 00253918

SBI Number

Inmate injuries? Yes X No _____

Was inmate seen by medical personnel? Yes X No _____

Signature of

Medical personnel: Nurse Betty Bryant

Date: 11-26-04 Time: 1545

Signatures: _____

Reporting Officer: Sgt. C. Outen Date: 11/26/04

Shift Commander: [Signature] Date: 11-26-04

Security Superintendent: _____ Date: _____

ATTACHMENTS

- | | | |
|------------------------|--------------|----------|
| 1. Use of Force | Yes <u>X</u> | No _____ |
| 2. Incident Reports | Yes <u>X</u> | No _____ |
| 3. Disciplinary Report | Yes <u>X</u> | No _____ |